## CCRB INVESTIGATIVE RECOMMENDATION

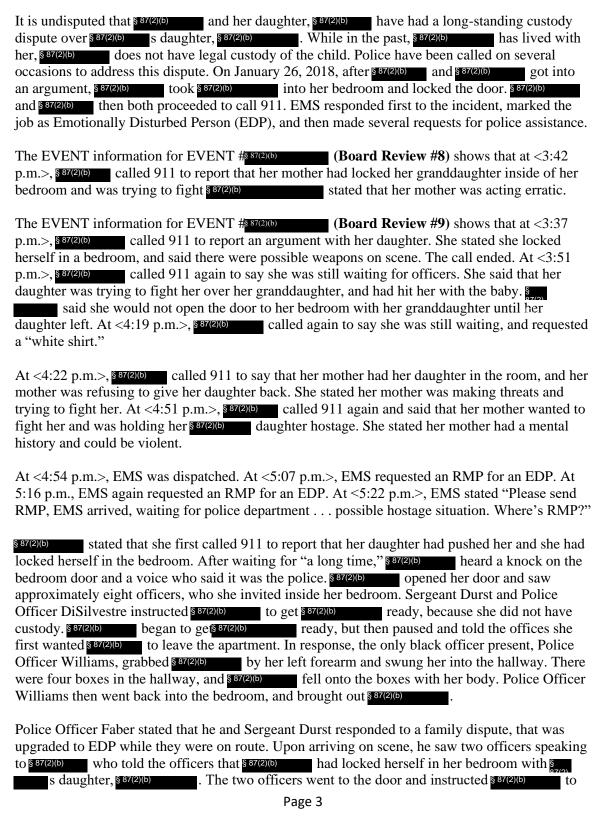
Investigator:		Team:	CCRB Case #:	<b>✓</b> Force	☐ Discourt.	☐ U.S.
Judith Le		Squad #2	201800966	☑ Abuse	O.L.	✓ Injury
Incident Date(s)		Location of Incident		Precinct:	18 Mo. SOL	EO SOL
Friday, 01/26/2018 4:30 PM			47	7/26/2019	7/26/2019	
-			AV GVVD			
Date/Time CV Reported		CV Reported At:	How CV Reporte		ne Received at CC	
Fri, 01/26/2018 11:32 PM		IAB	Phone	Mon, 02/	/05/2018 10:59 AI	M
Complainant/Victim	Type	Home Add	dress			
Witness(es)		Home Add	dress			
	GI + I I	T. 10				
Subject Officer(s)	Shield	TaxID	Command			
1. POM Jared Faber	07590	956630	047 PCT			
2. POM Shayne Williams	11847	956333	047 PCT			
3. POM Matthew Disilvestre	15513	960466	047 PCT			
4. POM Ryan Swift	10866	956287	047 PCT			ſ
5. SGT Robert Durst	03362	946684	047 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. POM Alexander Lambros	11762	956033	047 PCT			
2. POM Giuseppe Gentile	09948	952773	047 PCT			
3. POM Joseph Alcoser	08317	949981	047 PCT			
4. POM Michael Abbruzzese	06138	955701	047 PCT			
5. POM Gregory Flores	07931	955923	047 PCT			
6. POM Kevin Cedeno	07789	960346	047 PCT			
7. POM Yerald Perez	22026	959887	047 PCT			
8. POM Fatmir Vucetovic	559	955644	047 PCT			
9. POM Alex Chen	22641	954635	047 PCT			
10. POM Gerard Otoole	20609	959416	047 PCT			
11. SGT Howard Roth	03468	949582	047 PCT			
Officer(s)	Allegatio	on		Inv	vestigator Recor	nmendation
A.POM Shayne Williams	Force: Poagainst § 8		Williams used physic	al force		
B.SGT Robert Durst	Abuse: S	Abuse: Sergeant Robert Durst forcibly removed §87(2)(b) to the hospital.				
C.SGT Robert Durst		Force: Sergeant Robert Durst used physical force against				
D.POM Jared Faber	Force: Po	Force: Police Officer Jared Faber used physical force against \$87(2)(b)				
E.POM Matthew Disilvestre		olice Officer Matthew inst § 87(2)(b)	Disilvestre used phy	vsical		

Officer(s)	Allegation	Investigator Recommendation
F.POM Ryan Swift	Force: Police Officer Ryan Swift used physical force against § 87(2)(b)	
G.POM Jared Faber	Force: Police Officer Jared Faber tightly handcuffed § 87(2)(b)	
H.SGT Robert Durst	Abuse: Sergeant Robert Durst refused to provide his name to \$87(2)(b)	

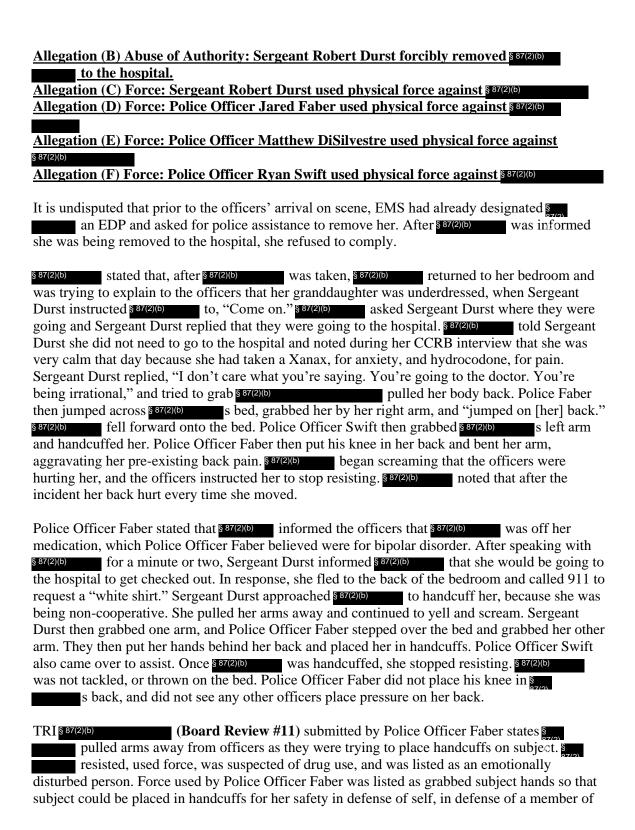
## **Case Summary**

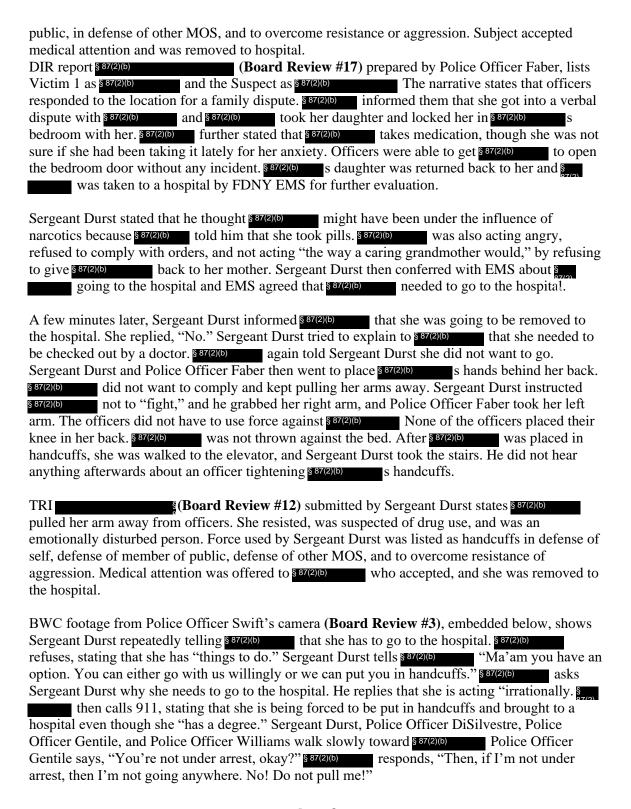
On January 26, 2018, \$87(2)(6) filed a complaint with IAB. On February 5, 2018, it was received by CCRB under IAB Log #18-4137 (original log #18-0633).
On January 26, 2018, at approximately 3:37 p.m., \$87(2)(b) and her daughter, \$87(2)(b) got into an argument at \$87(2)(b) in the Bronx. \$87(2)(b) shoved \$7(2) and in response, \$87(2)(b) took her \$87(2)(b) granddaughter, \$87(2)(b) , went into her bedroom, and locked the door. Shortly thereafter, both \$87(2)(b) and \$87(2)(b) called 911.
At approximately 4:30 p.m., Sergeant Robert Durst, Police Officer Jared Faber, Police Officer Shayne Williams, Police Officer Ryan Swift, Police Officer Matthew DiSilvestre, Police Officer Giuseppe Gentile, and Police Officer Alexander Lambros of the 47 <sup>th</sup> Precinct responded. After speaking to \$37(2)(0) who had custody of \$37(2)(0)
Body-worn camera (BWC) footage was provided from the BWCs of Police Officer Faber, Police Officer Swift, Police Officer DiSilvestre, Police Officer Lambros, Police Officer Gentile, and Police Officer Williams, all of the 47 <sup>th</sup> Precinct. The videos are time-stamped and contain audio. The full videos are attached to IA #s 27-32 ( <b>Board Review #1-6</b> ) and are transcribed in <b>Board Review #s 22-26</b> . Relevant portions are embedded in the relevant sections below.
Findings and Recommendations
Allegation (A) Force: Police Officer Shayne Williams used physical force against 887(2)(b)
provided a phone statement on February 7, 2018 ( <b>Board Review #7</b> ). She was interviewed at \$87(2)(5) in the Bronx on February 28, 2018. Police Officer Faber was interviewed at CCRB on May 17, 2018. Sergeant Durst was interviewed at the CCRB on May 25, 2018.

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open the door. After issuing instructions two or three times, \$87(2)(b) opened the door. She was angry, yelling and screaming, and refused to give up the child. The officers went back and forth with \$87(2)(b) for a minute or two. During this time, \$87(2)(b) was lying on the bed. At some point, the officers persuaded \$87(2)(b) to move out of the way, and an officer took out of the room and to EMS. At no point did Police Officer Faber see \$87(2)(b) get pushed out of the bedroom or fall on any boxes.
Sergeant Durst stated that while en route, the job was upgraded from EDP to hostage situation. Upon arriving on scene, Sergeant Durst saw \$87(2)(b) who told him that \$87(2)(b) had locked herself in the room with \$87(2)(b) , and was off her medication, which she took for back pain. Sergeant Durst and the officers knocked on the bedroom door and spoke to \$87(2)(b) was upset with \$87(2)(b) and did not want to give \$87(2)(b) up. Sergeant Durst noted \$87(2)(b) not \$87(2)(b) had custody of \$87(2)(b) , and tried to convince her to give her granddaughter back. \$87(2)(b) refused to do so. The officers then had to dress \$87(2)(b) and Police Officer Faber returned her to \$87(2)(b) Shortly thereafter, \$87(2)(b) and \$87(2)(b) left the premises.
BWC footage from Police Officer Williams' camera ( <b>Board Review #4</b> ), embedded below, shows officers making brief physical contact with ser(2)(b) while escorting her out of the bedroom, but no physical force of the nature or extent she alleges. Police Officer Williams does not make physical contact with ser(2)(b)
201800966_20180607_1552_DM.mp4
BWC footage from Police Officer Gentile's camera ( <b>Board Review #2</b> ), embedded below, shows exiting through the bedroom door followed by Police Officer Swift. Police Officer DiSilvestre then grips states then grips states that she has been shoved, though no such action is observed to be occurring. Police Officer Faber then carries states that she has been shoved, though no such action and down the hallway.
Patrol Guide 221-02 states that Members of Service may use reasonable force to gain control, compliance, or custody of an uncooperative person ( <b>Board Review #10</b> ).
§ 87(2)(g)





Sergeant Durst then grabs \$87(2)(b) s right arm. Police Officer Faber and Police Officer Swift then jump across the bed. \$87(2)(b) is visible with Police Officer Faber standing behind her and Police Officer DiSilvestre and Sergeant Durst standing in front of her. Police Officer DiSilvestre leans forward and touches \$87(2)(b) s right hand, trying to maneuver it behind her back so that Police Officer Faber can handcuff her. Handcuffs are heard clicking and \$87(2)(b) says, "Oooooh." Police Officer Swift reaches out and touches \$87(2)(b) s shoulder. Police Officer DiSilvestre touches \$87(2)(b) s left shoulder with his right hand. The video footage does not show \$87(2)(b) against the bed, or officers with the knees in her back. The officers then lead \$87(2)(b) out.
201800966_20180606_1525A_DM.mp4
(Board Review #13) submitted by Police Officer Swift and TRI \$87(2)(6)  (Board Review #14) submitted by Police Officer DiSilvestre, both state pulled her arms away from officers. She resisted, used force, was suspected of drug use, and was an emotionally disturbed person. Force used by Police Officer Swift and Police Officer DiSilvestre was listed as handcuffs in defense of self, defense of member of public, defense of other MOS, and to overcome resistance or aggression.
AIDED \$87(2)(6) (Board Review #18) prepared by Police Officer Gentile for \$100 states that she was removed to \$100 for psychological evaluation.
Patrol Guide 216-01 states when an AIDED person is placed in the care of medical personnel, uniformed Members of Service shall cooperate with ambulance/hospital personnel in every reasonable manner ( <b>Board Review #15</b> ).
§ 87(2)(g)
Patrol Guide 221-02 states that Members of Service may use reasonable force to gain control, compliance, or custody of an uncooperative person ( <b>Board Review #10</b> ).
§ 87(2)(g)
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§ 87(2)(g)
It is undisputed that Police Officer Faber escorted § 87(2)(b) to the elevator, and to the ambulance.
stated that after being taken to the elevator, she tried to tell the other officers that Police Officer Faber was twisting her arm and hurting her. In response, \$87(2)(b) believed that Police Officer Faber tightened her handcuffs because she felt her handcuffs tighten around her wrist, and heard a clicking noise. \$87(2)(b) was then taken to \$87(2)(b) . After the incident, \$87(2)(b) observed that both her wrists were red.
Police Officer Faber stated that he escorted sorted accused Police Officer Faber of twisting her arm.  Police Officer Faber replied that he was not twisting, just holding sorted arm. At no point did he tighten so handcuffs, or do anything to her handcuffs in the elevator. Police Officer Faber reviewed BWC footage and stated that the clicking noise was not a result of him tightening sorted handcuffs. He thought the clicking noise could have been the sound of moving her hands in the elevator, and causing her handcuffs to move.
entering the elevator with Police Officer Faber gripping her upper right arm with both hands. \$87(2)(6) states that Police Officer Faber is pinching her and asks if another officer can hold her. \$87(2)(6) continues to scream "he's pinching me," and "he's hurting me." Police Officer Williams instructs \$87(2)(6) continues to scream about Police Officer Faber pinching her, a clicking noise can be heard in the background. The camera shows Police Officer Faber still holding \$87(2)(6) s right upper arm with one hand. Police Officer Williams tells \$87(2)(6) that Police Officer Faber is not pinching her but is just holding her arm, and he explains that his hand on her arm is in camera view. Police Officer Faber continues to hold \$87(2)(6) s upper right arm and leads her off the elevator. The camera does not show Police Officer Faber's left hand.
201900066 20190606 1526 DM mp4
201800966_20180606_1526_DM.mp4
§ 87(2)(g)
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## Allegation (H) Abuse of Authority: Sergeant Robert Durst refused to provide his name to

stated that as she was about to board the ambulance, she asked Sergeant Durst for his name and shield number, but he only provided his shield number.

BWC footage from Police Officer Gentile's camera (**Board Review #2**), embedded below, shows requesting the officers' names in the hallway, asking, "Can I get some names?" Sergeant Durst says, "Durst, 3362." 887(2)(b) repeats his shield number.



201800966\_20180606\_1524\_DM.mp4

BWC footage from Police Officer Gentile's camera (**Board Review #2**), embedded below, shows asking for Police Officer Faber's shield number as she is escorted to the ambulance. Police Officer Faber provides her with his shield number and the spelling and pronunciation of his last name. §87(2)(6) does not ask Sergeant Durst again for his name or shield number.



201800966\_20180606\_1529\_DM.mp4

Patrol Guide 203-09 states Members of Service must courteously and clearly state their name and shield number to anyone who requests it (**Board Review #16**).

87(2)(g

## **Civilian and Officer CCRB Histories**

- Police Officer Faber has been a member-of-service for three years and has been a subject in two CCRB complaints and three allegations, none of which were substantiated. [887(2)(9)]
- Sergeant Durst has been a member-of-service for nine years and has been a subject in two CCRB complaints and two allegations, which were not substantiated. § 87(2)(9)
- Police Officer Williams has been a member-of-service for four years and has been a subject in one CCRB complaint and two allegations, none of which were substantiated.

  § 87(2)(g)
- Police Officer Swift has been a member-of-service for four years and this is the first CCRB complaint to which he has been a subject.
- Police Officer DiSilvestre has been a member-of-service for two years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. §87(2)(9)

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• This is the first CCRB #19).	complaint to which \$87(2)(b) has	been a party (Board Review
<u>N</u>	Mediation, Civil and Criminal Histo	<u>ories</u>
	o mediate this complaint.	
§ 87(2)(b), § 87(2)(c) (impair contract a	awards or CBAs)	
•	ne New York City Office of the Comp filed in regards to this complaint ( <b>Bo</b>	•
Investigator:Signatu	ure Print Title & N	Jame Date
Squad Leader:Signatu	ure Print Title & N	Tame Date
Reviewer:Signatu	ure Print Title & N	Tame Date